


~~GR. 1033-3~~

Conf
Pam
#515

Duke University Libraries
House bill
Conf Pam #515
D99164175%


HOUSE BILL No. 62.]

[SES. 1862-'63.]

Introduced by Mr. DONNELL, of Beaufort.

W. W. Holden, Printer to the State.

A BILL TO PROVIDE FOR THE PROBATE OF WILLS, AND GRANTING LETTERS OF ADMINISTRATION WHERE THE COUNTY OF THE RESIDENCE OF EXECUTORS OR INTESTATES IS IN THE POSSESSION OF THE ENEMY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That if, in any county, courts are not held by reason of the presence of the public enemy the court of Pleas and Quarter Sessions of the county, the court house whereof is nearest to the court house of said county, where courts are held, shall have jurisdiction of the probate of wills, and shall have power to grant letters testamentary and of administration upon the estate of deceased persons resident in said first mentioned county at the time of their death, taking bond as is now required by law.

Sec. 2. *Be it further enacted,* That such court shall cause a full and complete record to be made of its proceedings, a transcript whereof in each case, together with a certified copy of the original will, administration bond, inventory, and amounts of sale, and of the record hereinafter directed to be made, in cases of special administration shall be transmitted by the clerk, whenever the same may be done, to the office of the clerk of the county court of the county where the deceased had his usual residence at the time of his death, and the same shall be transcribed by him in a book to be kept for that purpose, and shall there

12 upon become a part of the records of such county court,
13 and may be given in evidence in any case where the ori-
14 ginal record or instrument would be competent.

SEC. 3. *Be it further enacted*, That so long as the courts
2 shall be suspended for the reason aforesaid, in the county
3 of the testator, or intestate's residence, the court issuing
4 letters testamentary, or of administration, shall have juris-
5 diction of petitions for years provision, legacies, distributive
6 shares, division of slaves, and for sale of personal property
7 for the payment of debts or distribution, and the executor
8 or administrator may sue and be sued in the county where
9 he shall be qualified; and whenever any such petition shall
10 be filed, or suit instituted, the same may be prosecuted to
11 judgment unless the same shall be removed by consent to
12 the county of the testator or intestate's residence.

SEC. 4. *Be it further enacted*, That the Courts of Pleas
2 and Quarter Sessions on which jurisdiction is hereby con-
3 ferred, shall also have power to grant letters of adminis-
4 tration *pendente lite* in the manner now provided by law.

SEC. 5. *Be it further enacted*, That when any person,
2 resident in any county where courts cannot be held by
3 reason of the presence of the public enemy, shall die
4 intestate, any three Justices of the Peace of the coun-
5 ty in which the property of the intestate is situate, may
6 meet together and grant to some discreet person let-
7 ters of special administration, and shall have power to au-
8 thorize him not only to collect the estate and sell so much
9 of the crop, stock, and provisions on hand as they shall
10 deem advisable, but to sell also or remove such other per-
11 sonal property of the intestate as they shall think in immi-
12 nent danger of loss or destruction, a schedule whereof
13 shall be made out by said Justices.

SEC. 6. *Be it further enacted*, That before granting such
2 administration, the Justices shall take from such person
3 bond with approved security in such sum as they shall di-
4 rect, conditioned for his faithful administration of the es-
5 tate, and for his faithfully accounting for and delivering

6 the estate to such person as may be appointed administrator.

SEC. 7. *Be it further enacted*, That the said Justices
2 shall make a record of their proceedings and of the sched-
3 ule aforesaid, which, together with the said bond, they
4 shall return under their hands and seals to the office of
5 the Clerk of the County Court of the county where the
6 deceased had his residence, whereon such return may be
7 made, or if sooner, an administrator shall be appointed un-
8 der the provisions of this act, to the office of the Clerk of
9 the County Court of the County wherein such letters of ad-
10 ministration are issued; and the same shall be full and suffi-
11 cient evidence of the appointment of such administrator,
12 and of his authority, and of the execution of the bond.

The first of these is the fact that the
 second of these is the fact that the
 third of these is the fact that the
 fourth of these is the fact that the
 fifth of these is the fact that the
 sixth of these is the fact that the
 seventh of these is the fact that the
 eighth of these is the fact that the
 ninth of these is the fact that the
 tenth of these is the fact that the

Permalife.
pH 8.5